

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Nicordo Jarrett

v.

Case No. 14-cv-50-PB

**Hendrix Wire and
Cable Inc., et al.**

O R D E R

Viewing the complaint generously, it appears to state claims that defendants are liable for racial harassment and discrimination in violation of 42 U.S.C. § 1981. To make out a racial harassment claim, the plaintiff must prove a contractual relationship and "two further elements: (1) that the plaintiff was exposed to comments, jokes, or acts of a racial nature by the defendant's employees; and (2) that the conduct had the purpose or effect of interfering with the plaintiff's work performance or created an intimidating, hostile, or offensive working environment." Danco, Inc. v. Wal-Mart Stores, Inc., 178 F.3d 8, 16 (1st Cir. 1999).

The elements of a racial discrimination claim under § 1981 are "(1) that the plaintiff is a member of a racial minority; (2) that the defendant intended to discriminate on the basis of race; and (3) that the discrimination concerned one or more of

the activities enumerated in the statute." Lopez v. Target Corp., 676 F.3d 1230, 1233 (11th Cir. 2012).

The court has subject matter jurisdiction over § 1981 claims and the complaint appears to set forth minimally sufficient claims under this provision. Accordingly, I order the complaint to be served. In doing so, I express no view as to whether the complaint also asserts other causes of action. Nor does this order bar the defendants from later moving to dismiss the complaint for failure to state a claim.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

April 11, 2014

cc: Nicordo Jarrett, pro se